

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:16-CV-180-CDP
)
CITY OF FERGUSON, MISSOURI,)
)
Defendant.)

STATUS CONFERENCE
VIA VIDEOCONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

JANUARY 12, 2021

APPEARANCES:

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1 (Proceedings commenced at 10:59 a.m.)

2 THE COURT: All right. Thank you. And I did -- I
3 guess I would ask, Ms. Glass; I thought you were going to have
4 other attorneys on the -- on the video as well.

5 MS. GLASS: Your Honor, our plan this morning, if
6 it's acceptable to the Court, would be for my colleagues,
7 Megan Marks, Charles Hart, and Amy Senier, to be present but
8 off camera, and I'll be the -- unless something unexpected
9 comes up, I'll be the one presenting for the United States.
10 Mr. Volek will not be joining us this morning.

11 THE COURT: All right. That's fine. So -- and let
12 me ask the clerk; are we -- is the YouTube started?

13 DEPUTY CLERK: Yes. We are live with YouTube.

14 THE COURT: Okay. The livestream has started. All
15 right. So this is the case of the United States of America
16 versus the City of Ferguson. It's Case No. 4:16-CV-180, and
17 we are here for a quarterly status conference and hearing that
18 is open to the public and is being provided to the public
19 through both a telephone line and a YouTube livestream, which
20 is audio only, and I do want to mention and I may, if I
21 remember, mention this again later to any of the people who
22 are observing the hearing that under the policy of the United
23 States Courts, you are not allowed to broadcast or record this
24 proceeding in any way, and if anyone should do that and we
25 were able to figure out who it was, there could be

1 consequences, including having you be barred from further
2 proceedings.

3 So with that said, I would ask counsel for the
4 department, the United States, to please identify yourself for
5 the record.

6 MS. GLASS: Good morning, Your Honor. Nancy Glass
7 for the United States.

8 THE COURT: All right. And I would ask counsel for
9 the City of Ferguson to identify yourself for the record.

10 MR. CAREY: Good morning, Your Honor. Apollo Carey
11 for the City of Ferguson, Missouri.

12 THE COURT: All right. And I would ask counsel for
13 the -- the Monitor and counsel, associated counsel, to please
14 identify yourselves for the record.

15 MS. TIDWELL: Good morning, Your Honor. Natasha
16 Tidwell and Courtney Caruso on behalf of the Monitoring Team.

17 MS. CARUSO: Good morning.

18 THE COURT: All right. Good morning.

19 So all right. We are here to hear, you know, the
20 updates that you all have provided. I do hope that the
21 pandemic ends soon or we can all get vaccinated in a way that
22 we will be able to have these hearings in the courtroom, but
23 as of now, we are having only very limited hearings in public,
24 and they are mainly in criminal cases where the interests of
25 justice require that we go forward and that we have them in

1 person. It's not so much whether they're public or not. It's
2 whether they're in person. And so we don't have the ability
3 to do that at this time for this case. So that's why we're
4 doing this again by videoconference.

5 So I would start, Mr. Carey, by asking you to make
6 any -- excuse me -- statements or provide the updates that you
7 wish to give at this time.

8 MR. CAREY: Thank you, Your Honor. I appreciate the
9 opportunity to do so this morning. Just so that Your Honor is
10 aware of -- you know, obviously, when we're in person, I
11 always like to introduce the folks in the room, but, you know,
12 just so that the Court and the public is aware of who is all
13 participating today for the City of Ferguson, on the camera
14 view, as you can see, to my left is Chief Jason Armstrong, our
15 Ferguson police chief, and then to my right is our consent
16 decree coordinator, Ms. Nicolle Barton. Who you don't see,
17 who is also in the room, but we have -- you know, she has
18 decided to sort of stay in the dead space -- our court
19 administrator, Courtney Herron, who is sort of in the dead
20 space there. On the line, I am aware of our city manager,
21 Jeff Blume, being on the line. Also, I believe our mayor,
22 Ella Jones, is -- is attending as well. I'm not quite sure.
23 There may be a couple of other council people on the line, but
24 I haven't been notified of their presence yet, so -- and how
25 we'll do this, Your Honor, if it's okay with you, is we'll

1 start off with our consent decree coordinator providing
2 some -- some pretty -- some very crucial updates about some
3 status of the outstanding issues on the Consent Decree, and
4 then we'll allow our police chief to supplement that with a
5 couple of additional comments if that's okay with you.

6 THE COURT: I just did the -- I forgot to unmute
7 myself, which I'm always telling lawyers they're not muted or
8 they're muted. So I apologize for doing that myself.

9 Ms. Barton, we'll go ahead and hear your updates.
10 Thank you.

11 MS. BARTON: Thank you, Your Honor. Good morning.

12 I'll start out by while working on our use-of-force
13 forms and our use-of-force review forms and benchmarks, we
14 realized we needed to make some minor language changes on some
15 of our use-of-force policies. We've been working with the
16 Department of Justice on amending the language to ensure these
17 policies meet best practice standards. We are currently
18 working on a supervisor checklist for our use-of-force
19 investigations and benchmarks to ensure supervisors are
20 performing a thorough and complete review of the use-of-force
21 reports. We hope to have our use-of-force forms, vehicle
22 pursuit forms, and use-of-force review forms finalized and
23 ready to go live by the end of January.

24 Once our use-of-force forms are live, we will begin
25 working with Benchmark on our accountability modules. This

1 section will include tracking complaints, early intervention
2 systems, and performance of officers. I'm working with the
3 Department of Justice on creating what we hope to be an ideal
4 stop, search, and arrest form. FPD has been meeting with
5 REJIS in hopes that we would be able to customize these forms
6 to provide us with a system to fit our needs and Consent
7 Decree requirements. We will be working with the Department
8 of Justice and the Monitor Team over the next quarter to
9 review these forms and ensure they capture the outcome
10 assessments required under paragraph 435.

11 I'm working with the Department of Justice, the
12 Monitor Team, and Community Mediation Services to develop our
13 2021 schedule for the next series of small group dialogues
14 between the community and police. We plan to use the outcomes
15 of our community dialogues to continue building our community
16 policing and engagement plans.

17 Captain Dilworth is finalizing the search roll call
18 training materials to provide to the Department of Justice for
19 their approval. This training will be added to the 2021 roll
20 call schedule.

21 In regards to our Training Plan Committee, we have
22 recruited two professors from local universities, Professor
23 Lee Slocum from University of Missouri and Professor Joseph
24 Schafer from St. Louis University. They have been a great
25 addition to an already dedicated Training Plan Committee, and

1 we are so pleased to have them on board.

2 We are entering into Phase I of our use-of-force
3 audit, and we have provided all requested information to the
4 Monitor Team for this phase of the audit.

5 During this quarter, we have finalized all the
6 body-worn camera and in-car camera policies and completed the
7 roll call trainings on these policies.

8 We have been working with the Department of Justice
9 on our correctable citation policy, and this is finally ready
10 to submit to the Monitor Team for review.

11 I have been working with Suffolk County, New York,
12 who will be providing Ferguson Police Department with a "Train
13 the Trainer" model of bias-free policing training in February.
14 This is a 24-hour training, and all FPD certified trainers
15 will be attending this training. With the Department of
16 Justice and Monitor Team's approval, this will become
17 Ferguson's bias-free policing in-service training, and all FPD
18 staff will be required to complete this training in 2021. We
19 are so excited to implement this training.

20 And, finally, we have turned over the after-action
21 reports and use-of-force documentation from the May 2020
22 protests as requested by the Department of Justice.

23 Thank you.

24 THE COURT: Either Mr. Carey or Ms. Barton, I just
25 would ask -- I know in the -- when you were discussing the

1 accountability module, you mentioned Benchmark, and when you
2 were talking about other reporting, you mentioned REJIS.
3 Would you just state for anyone who might -- a member of the
4 public who might be listening who doesn't know -- who those
5 people or those entities are that you're referring to?

6 MS. NICOLLE BARTON: Yes, ma'am.

7 So Benchmark is a software system that we have hired
8 to help us develop all of our of use-of-force policies,
9 tracking system, our use-of-force review, vehicle pursuit
10 tracking system, and that will also house our early
11 intervention systems. So we'll track our system complaints
12 and track officer performance. REJIS is a regional system
13 that tracks all of the crime analysis data and our records
14 management system. So they're two totally separate systems
15 that house different information and track different data
16 requirements for our Consent Decree.

17 So REJIS is -- what we're hoping to do with REJIS is
18 help us track all of our stop, search, and arrests because
19 that's a system that the officers are able to use when they're
20 pulling someone over for a traffic stop, when they're issuing
21 a citation, and it has all those required fields that are
22 required by not only the State but now our Consent Decree to
23 track the data that we need to use for tracking for the
24 Consent Decree as well.

25 THE COURT: All right. Thank you.

1 And, yes, under the Consent Decree, we do need to be
2 able to monitor the performance and track what is happening,
3 and that is -- has -- does require a lot of -- well, we used
4 to call it paperwork, but now it's data collection and forms
5 and things that are readily able to be collected and analyzed,
6 and so that's what, as I understand, is going on here and
7 you're working on.

8 Yes, Mr. Carey, next.

9 MR. CAREY: Yes, Your Honor. One of the things that,
10 you know, we talked about during our status hearing in the
11 past and some of our citizens have expressed some concern
12 about is a situation -- excuse me -- are situations where, you
13 know, other police departments or officers from those police
14 departments are called in to the City of Ferguson to assist
15 FPD with, you know, a particular function.

16 For example, two -- two situations come to mind. Of
17 course, in the past, when we've had protests, we've talked
18 about our Code 1000 situations where we've had planned
19 protests, where we know we're going to need additional backup
20 for FPD to -- to sort of help police those situations, and
21 then we also have those situations where we have unplanned
22 occurrences, emergency occurrences that just happen, where FPD
23 may need to call in a backup from a different police
24 department.

25 So Chief Armstrong is going to explain for the

1 public's benefit and also for the Court's benefit the
2 difference between those two situations as it relates to the
3 Consent Decree and how the City is functioning in those two
4 situations and also maintaining its compliance with the
5 Consent Decree. So if Chief Armstrong would like to do that,
6 that would be great.

7 THE COURT: All right. And as I understand it, what
8 you're talking about is this is sort of an explanation for why
9 if the citizens see police departments, police officers from
10 other departments responding to things going on in Ferguson,
11 you know, there's a reason for that, and these are some of the
12 reasons, and so -- and the situations where that might occur.

13 MR. CAREY: Absolutely, Your Honor.

14 THE COURT: Right. And so, Chief Armstrong, yes,
15 we'd be glad to hear from you.

16 CHIEF JASON ARMSTRONG: Thank you and good morning,
17 Your Honor. So the first thing that I wanted to talk about is
18 a program and a system that we have here in St. Louis County
19 called the Code 1000, and what the Code 1000 system is -- it's
20 a system we created for when there is an event going on in a
21 particular jurisdiction and they may not have the resources to
22 effectively and safely manage or respond to that event. We
23 have a Code 1000 system where other agencies, other
24 jurisdictions, you know, send officers, send resources into
25 the jurisdiction where the incident is going, is going on at,

1 and -- and so the Consent Decree, you know, addresses these
2 occasions because, you know, they recognize, you know, what
3 happened with the unrest in 2014, that, you know, a lot of
4 police departments had to come in here to help Ferguson manage
5 and respond to what was going on.

6 And the Consent Decree has language in it that talks
7 about when we have these, these incidents, going on when we
8 need to bring in other agencies to help and assist us, you
9 know, what that help should look like and what the -- what are
10 the mandates that the Consent Decree puts on us when we're
11 getting this help. And -- and what the Consent Decree
12 explains is, you know, when we're getting this help, you know,
13 it is Ferguson Police Department's responsibility to request
14 that the agencies that are coming in to help and assist us,
15 you know, follow certain provisions that are spelled out in
16 the Consent Decree or things that we instituted into our
17 policies here at Ferguson Police Department.

18 And so what we've done, you know, since I've been
19 here, when we've had to call on the resources of the Code
20 1000 -- so the Code 1000 primarily is built for events that we
21 know about beforehand, planned events. So say if there's a
22 planned protest, and so if we know there's going to be a
23 protest on a particular date, then I can call and activate the
24 Code 1000 group, and we can go ahead and start working on what
25 resources we may need, and so as part of that planning, we

1 always create an incident action plan, and so anybody familiar
2 with, you know, the Incident Command System or the National
3 Incident Management System, it's all these forms and
4 documentation that we use in public safety and first
5 responders that, you know, just kind of spell out everybody
6 that's going to be a part of that response; everybody gets the
7 same documentation so everybody understands what's going on
8 and everybody can be on the same page so we all know what to
9 expect and what everybody's roles and responsibilities are,
10 you know, as we're responding to the event.

11 And so -- so every Code 1000 that we've had -- since
12 I've been here, I speak to -- when we put together the
13 incident action plan, a part of that document has specifically
14 been the paragraphs from the Consent Decree that are spelled
15 out that we have to make the formal request to agencies that
16 are coming to assist us and -- and the requests that we're
17 making to them of, you know, what actions they can take or
18 they should take or what we would like to see, and so, you
19 know, what's documented in every one of our incident action
20 plans that we've had to put together in the last year and a
21 half or so -- that exact verbiage has been copied from the
22 Consent Decree and put in that document because that document
23 is sent out to every agency that is participating in the Code
24 1000 response, and so that's kind of our way of documenting
25 for Consent Decree purposes just to be able to show that we

1 are making that request, you know, when we do have these Code
2 1000 responses.

3 And so as we looked at the Consent Decree and the
4 verbiage in there and, you know, what -- what it appears the
5 intent behind the verbiage that was in the Consent Decree --
6 you know, me personally, you know, I feel it was largely
7 surrounding, you know, big events such as a protest or if you
8 had, you know, an active shooter or just -- just some big
9 event where you just had just a large amount of police
10 agencies converging into Ferguson to help and assist, and so
11 that's kind of how we -- you know, we managed that with the
12 Code 1000 response.

13 So another -- another instance that we have where we
14 may get some outside help is for unexpected events, which are
15 more -- you know, we would more so classify those as just
16 emergency situations, you know, that arise. And, you know, I
17 don't necessarily know or my takeaway is not necessarily that,
18 you know, the verbiage in the Consent Decree is really
19 addressing this, and so we really haven't had a lot of
20 conversations surrounding what that looks like for us as it
21 pertains to the Consent Decree because I just don't think that
22 was really at the heart of what the Consent Decree was
23 addressing, but recently, some concerns, you know, have been
24 brought up from some of our citizens because they saw some
25 officers from another police department that responded to an

1 address here in Ferguson, and so I just wanted to share some
2 information on what contributed to that and what happened with
3 that, and, you know, naturally, this is something that, you
4 know, it wasn't really on our radar previously the way that
5 this shaped out, and so this is something that we've been in
6 contact with -- communication with the DOJ about, and we'll
7 continue to talk through this to see, you know, exactly what
8 this looks like for us moving forward.

9 But on the day in question, a 911 call came into our
10 dispatch center, and the lady on the phone was very panicked
11 and was in a frantic state, and she told us that there were 50
12 people outside of her house that were coming to beat up her
13 son or fight her son, and she also said that somebody in the
14 crowd had brandished a gun already and somebody had busted out
15 her window. And so this lady is calling in; she's screaming
16 like, you know, "Send help. Send help. Send help. Send help
17 now."

18 And at the moment that that call came in, all of our
19 officers, all of the Ferguson officers, were on other calls,
20 so we had -- so nobody was in service at that exact second,
21 and so when we have a situation like that happen, you know, we
22 start calling the supervisor and telling him, "Hey, we got
23 this call over here. You know, we need officers to start
24 breaking free," but there is a lag time in that process. If,
25 you know, an officer is standing there talking to you about,

1 you know, a concern or an issue that you have, you know, we
2 don't just turn and just run out. You know, there's a --
3 there's a dialogue that goes along with that just out of
4 courtesy, you know, to the citizens and to the residents.

5 And so on that particular day, given the gravity of
6 what the caller told us, "There's 50 people outside," and in
7 addition, as we were talking to the caller on the phone, she
8 stopped talking to us, and so when I say she stopped talking
9 to us is she didn't hang the phone up; she just stopped
10 communicating. So the phone line was still open, and the
11 dispatcher keeps calling her and calling her, "Ma'am, ma'am,
12 are you still there? Are you still there?" And there's
13 nothing but silence on the line. And so, you know, those --
14 those are critical, you know, incidents that have the
15 potential to be critical incidents.

16 And so at that time, our dispatchers, who we also
17 dispatch for the neighboring city to Ferguson, Calverton Park,
18 so we can see them on our screen. So we can see if they're
19 busy on calls or if they're in service, and so the Calverton
20 Park officers were in service at that time, and so with the
21 gravity of the situation, our dispatchers called Calverton
22 Park and asked them if they could go ahead and respond to that
23 location while we were simultaneously working on getting some
24 Ferguson officers to break free from the calls and the
25 services that they were providing so we could get them over

1 there to that, to that location, and so that's what happened
2 is Calverton Park officers responded to that location because
3 of the gravity of the situation, and Ferguson officers
4 responded also. We just got there after the Calverton Park
5 officers got there because all our officers were tied up.

6 And so that's a little bit different scenario really
7 than what the Consent Decree, you know, kind of highlights and
8 really addresses, and so, you know, with this coming up and
9 some of the dialogue that's come along with it, you know, it's
10 one of the things we recognize that we need to have some
11 further conversation on and look and see, you know, how we can
12 best address, you know, scenarios like that because they are
13 going to arise and they are going to happen, and my primary
14 responsibility here is if somebody needs help, I have to get
15 them help. If somebody's in danger, I have to get them the
16 help that they need, you know, in that moment.

17 And so, you know, so situations like that are not
18 uncommon. They don't happen frequently, and when -- when
19 those outside agencies respond to help us in a case like that,
20 they're there in a support role, and so, you know, their
21 primary responsibility is just -- is for the safety of people,
22 and so their ideal thing is to get there and just try to make
23 the scene safe. And we get there; we handle the report; we
24 handle the accident; we handle everything. Those agencies
25 aren't coming in here and writing the reports for us or

1 anything like that. We handle everything. It's just that
2 they have to do anything before we get there. It's almost
3 like they're a witness to our report at that point in time.
4 And so we're going to write the report and all the
5 documentation, and any officer that had to contribute anything
6 to that response, they have to write a statement, essentially,
7 you know, as a witness to what they did or what they saw when
8 they got there, when they showed up, and so that's primarily,
9 you know, how it's done or how it's worked.

10 And so it's just as these concerns have recently been
11 brought up that we've been talking about, you know, we just
12 have to have some more conversations with the Department of
13 Justice to see exactly, you know, how we would classify that
14 and if there is something specific to the Consent Decree that
15 is addressing, you know, when we have, you know, those
16 incidents or issues arise. You know, we just have to get
17 together and work through it a little bit more to see what
18 that should look like, that, you know, we would still be in
19 compliance with everything that the Consent Decree, you know,
20 requires of us.

21 But that particular incident that day, it was just
22 about getting somebody the help that they needed when they
23 needed it, and that always should be a top priority for us.

24 THE COURT: All right. Thank you. And I do -- I
25 think that's a good explanation of the two different types of

1 situations where someone would be called in from another
2 jurisdiction.

3 All right. Mr. Carey.

4 MR. CAREY: Yes, Your Honor, just -- you know, just
5 to conclude that point, you know, that Chief Armstrong was
6 making, that does present, you know, a situation where we, you
7 know, have to just sort of work through the logistics of what
8 those unexpected emergency calls look like for Consent Decree
9 compliance purposes, whether or not the Consent Decree was
10 even designed to touch those, you know, and if so and if the
11 Consent Decree was, then, you know, what do we need to do
12 policy wise to -- to help flesh out, you know, those
13 situations. So, you know, I think the parties will get
14 together and figure out that dilemma and, you know, have
15 something to share with the public, you know, in the future on
16 those things.

17 THE COURT: All right. And, Mr. Carey, can you just
18 keep your voice up just a little? You're a little quiet.

19 MR. CAREY: For sure. No worries.

20 THE COURT: Thank you.

21 MR. CAREY: I'll talk up a little bit, but I'm
22 actually done talking for now. The City is actually done with
23 our presentation, so we'll yield the floor to -- to Your Honor
24 to decide. I mean I can't remember if the Department of
25 Justice goes next or if it's the Monitor.

1 THE COURT: I think the Department of Justice does,
2 and we'll ask them for any comments, and then, obviously, we
3 can discuss all of this once we've heard from everybody.

4 So, Ms. Glass. This is Nancy Glass on behalf of the
5 Department of Justice; correct?

6 MS. GLASS: That's right, Your Honor. Good morning
7 and thank you for this opportunity for us to brief the Court
8 and the public on progress in implementing the Consent Decree.
9 We also wanted to say we appreciate all the public comments
10 that we got before today's hearing. We really find the
11 feedback in these comments helpful and appreciate the time and
12 effort that individuals and groups took in putting those
13 comments together. I'm going to try to address as many as
14 possible of them as I can in my remarks.

15 As Ms. Barton and Chief Armstrong's presentations
16 made clear, Ms. Barton has really been critical in
17 coordinating and moving forward the City's compliance in
18 implementing the Consent Decree, and we're just very grateful
19 to her for her diligence and her work with these efforts. As
20 she reported, more progress has been made in virtually every
21 area of the Consent Decree. I'm just going to add a few
22 points beyond the updates that Ms. Barton already provided.

23 In general, we'd like the public to know that in this
24 year five of implementation, we intend to shift somewhat in
25 our focus. Certainly, there are some foundational tasks in

1 implementation that still need to be done and, for example, in
2 training and policy writing, but in addition to getting those
3 tasks done, we do intend to focus more on evaluating the
4 City's progress on the ground and auditing its compliance with
5 the new policies that have been issued.

6 So our work on cameras is a good example of this
7 shift in policy. As Ms. Barton reported, the City says that
8 it's now completed its roll call trainings on the new camera
9 policies. So at our virtual site visit in December, we asked
10 the City to provide documentation relating to how cameras are
11 being used. There's no audit scheduled yet, but the point is
12 we're planning ahead, and when the time comes, we want the
13 City to be ready to provide the documentation that's needed to
14 show that these new policies are being implemented correctly.

15 On use of force and the First Amendment, we are
16 waiting for documentation from the City related to use of
17 force at the protest in August. As Ms. Barton reported, the
18 City has provided its after-action reports relating to the May
19 protests. After we received that report after the last
20 hearing, we did ask the City to provide us the documentation
21 that was underlying that report. The City provided that last
22 week. So we now have the incident reports, use-of-force and
23 investigative reports that the after-action report was based
24 on, and we're working on reviewing those. We've also asked
25 for but -- and are waiting to receive the police department's

1 video relating to any incidents in the May protests, and when
2 we get that, we'll review it carefully.

3 I wanted to respond to a public comment expressing
4 concern about the scope of our review of police department
5 action for the summer protests, and we absolutely agree with
6 the point that our review cannot be limited to simply
7 reviewing what police officers write in their reports. So to
8 that end, when we -- our review of the video will be very
9 important.

10 We also -- in the event that any complaints about
11 police conduct are filed with the CRB or with the police
12 department, we will review those, and we invite members of the
13 public, in particular, individuals who were at the protests,
14 who have information, to share. They're welcome to share it
15 directly with us. The best way to do so is by email.

16 On the community survey, we're glad to hear from the
17 Monitoring Team that the survey will be active soon, and we do
18 look forward to getting valuable feedback from the community
19 about how -- community police relations, the public safety,
20 the municipal courts, among other topics covered by the
21 survey. We agree with the public comments expressing concern
22 about the lack of representative responses in the last survey,
23 and we appreciate the Monitoring Team's efforts this time
24 around to ensure that they get a more representative sample.
25 We just wanted to say as well we appreciate Mayor Jones' offer

1 of mobile hotspots and laptops to -- for use in getting survey
2 responses from the public efficiently and safely on the
3 ground.

4 On the CRB, there's been a lot of activity since the
5 last court hearing in meetings between the CRB and the City,
6 and they have made progress in working out agreements,
7 particularly, around sharing information. There are a few
8 areas that still need to be resolved, as reflected in the
9 public comments, and we expect to discuss those issues
10 directly with the CRB and the City in meetings over the next
11 month. The CRB does have an important role to play, both
12 under the Consent Decree and the municipal code. We expect
13 that role to last well beyond Consent Decree implementation,
14 and we're really glad the work that the City and the CRB are
15 putting in to institutionalizing their practices and
16 relationship.

17 Relating to the NPSC, there was a public -- some
18 public comments expressing concerns about lack of capacity of
19 the NPSC during the pandemic. That is concerning, and we
20 certainly agree that the City should be providing any
21 resources that the NPSC needs to do its important work, and we
22 would just urge the NPSC to reach out to the City if there are
23 particularly -- particular resources they need.

24 On the issue Chief Armstrong and Mr. Carey discussed
25 regarding the difference between Code 1000 responses and other

1 jurisdictions responding to emergency calls for service, the
2 only thing I would just add is that, you know, we have spoken,
3 as Chief Armstrong mentioned, with the City to clarify
4 expectations. The particular incidents that gave rise to the
5 public comments and concerns, we think -- we didn't have
6 concerns with how that was handled, at least with regard to
7 implicating the Consent Decree, and we'll continue monitoring.

8 Finally, just two areas that are still probably more
9 accurately characterized as being in Phase I of compliance,
10 and that's training and data. Now that most of the critical
11 policies are complete, the police department is working on
12 issuing roll call trainings on those policies, and because
13 this came up in a comment to us and also has come up at other
14 hearings, I just wanted to take a moment to discuss the role
15 of the roll call trainings, which is to brief officers as
16 efficiently as possible on the changes in policy because the
17 policies can't come into effect and officers can't be held
18 accountable until they've been told about changes in policy,
19 but no one thinks that the roll call trainings, which are
20 really just performing a briefing function, could replace a
21 comprehensive, scenario-based training program, which is
22 required by the Consent Decree. We absolutely recognize and
23 agree with the public comments stating that the policies will
24 remain just that, on paper; they won't become part of
25 department practice until there's also a robust in-service

1 training program to put them into practice, and we do expect
2 in year five that the City will be turning its attention to
3 creating a training program.

4 Finally, on the data, Ms. Barton gave a good overview
5 of all the progress with regard to use of force, and I just
6 wanted to add that we do intend as well to turn to thinking
7 about how annual reporting will be done as well.

8 And that's all I had, Your Honor, unless the Court
9 has any questions.

10 THE COURT: I do not have any questions at this time.
11 I think I'd prefer to hear from the Monitor next, and then we
12 can see if there are further questions we all might want to
13 discuss. So, Ms. Tidwell.

14 MS. TIDWELL: Thank you, Your Honor, and thank you to
15 the City and to DOJ for their updates. We look forward to
16 working with the parties on getting more clarification on the
17 issues of mutual aid and Code 1000 and sort of what the
18 distinction or sort of what the Consent Decree's applicability
19 to both is, and we'll be working with the parties on those
20 issues in the coming weeks and months.

21 Just to pick up on one of the issues that Ms. Glass
22 raised in her remarks with regards to the community survey, so
23 we do have -- the Police Foundation has agreed to launch the
24 survey. It's active now online, and we will send out an
25 announcement with the URL or the login address to our listserv

1 members and to the parties so that they can distribute it as
2 well and put it on the City's website. So the City -- so the
3 survey is active for online participants.

4 As Your Honor remembers and as we've discussed in
5 prior court hearings, one of the issues is that, you know, we
6 can't do in-person -- you know, our plan to do some in-person
7 surveying to boost representation in areas that were
8 underrepresented in the last survey -- we are unable to do
9 that due to COVID, and so working with the parties and with
10 Dr. Leigh Anderson, our community engagement consultant, we've
11 tried to figure out ways or sort of work with the parties and
12 with the City -- and Mayor Jones has been really helpful in
13 this regard -- in trying to overrepresent or sort of
14 oversample in some of those harder-to-reach areas of the
15 Consent Decree to sort of -- to hone in on.

16 And so the Police Foundation has worked with us.
17 They go out and develop the survey and handle reporting, but
18 they worked with us on development of a postcard that would be
19 sent to not only people who have had recent interaction with
20 the municipal court in Ferguson but also to a sample, a
21 representative sample, of registered voters within Ferguson,
22 and the postcard would contain both the URL or the web address
23 for the survey, but also to address and to hopefully mitigate
24 the digital divide and the inability of some people to access
25 the survey online, we'll also include a phone number to my

1 firm in Boston where a person can request that a survey be
2 mailed to them along with a self-addressed return envelope,
3 and so we have -- the postcards have been developed. The
4 issue now with the Police Foundation mailing them out is just
5 we just have to finalize the contract between the Monitoring
6 Team, the City, and the Police Foundation because, Your Honor,
7 the payment structure for the Consent Decree is that our
8 bills, the Monitoring Team's bills, get submitted through the
9 City, and so that would include our subject matter experts and
10 any other consultants that we engage, to include the Police
11 Foundation, and so we have -- last week, we gave the City a
12 revised contract for -- from the Police Foundation, and my
13 hope is that Mr. Carey and the City officials will be able to
14 review that and return that back to us relatively soon so that
15 we can get the postcards mailed out, but the Police
16 Foundation, knowing sort of the -- you know, the anticipation
17 for the survey and getting it started, has agreed to launch
18 the survey even though the contract is not fully executed at
19 this point. And the --

20 THE COURT: And so just so it's clear, the survey is
21 up and live now. So although it doesn't -- for people who
22 don't have the capacity to go online to get it, the postcards
23 and the phone number aren't out, distributed yet, but they
24 will be shortly, and -- but people can go in online, and then
25 this is where the mayor, I believe, did offer some places

1 where there would be hotspots or ability for people to -- if
2 they didn't have Internet -- to, perhaps, answer the survey
3 online. Is that correct?

4 MS. TIDWELL: That's right, Your Honor, and then we
5 will also -- when we send out the announcement with the web
6 address, the URL for the survey, we'll send the phone number
7 for people to request to have a survey mailed to them. So you
8 certainly don't have to wait to get a postcard in the mail
9 with the phone number. The phone number will be sent out as
10 well so that people could call and have a survey mailed to
11 them.

12 THE COURT: Right. And I would encourage if there
13 are people listening to this, members of the public and, of
14 course, anyone else who -- you know, people associated with
15 the City, to please, you know, publicize this to the extent
16 you're able to. Tell your friends and neighbors that there
17 will be ways to do it even if you don't have Internet access,
18 and try to get -- we'd like to see as much participation as
19 possible. Everyone wants that.

20 All right. Go ahead, Ms. Tidwell.

21 MS. TIDWELL: Thank you, Your Honor. And then we did
22 have some radio spots. St. Louis Public Radio was able to
23 help us with that to -- to, hopefully, boost participation or
24 at least sort of to get people knowledgeable and sort of aware
25 that the survey is coming, and Dr. Anderson will be planning a

1 trip, a return to Ferguson, to do some, you know, not
2 in-person survey taking but, certainly, some -- some more
3 publication and on-the-ground sort of promotion of the survey
4 in the coming weeks.

5 THE COURT: All right. Thank you.

6 MS. TIDWELL: And so moving on from there, Your
7 Honor, the -- as we reported during the court hearing in, I
8 think it was, June and in September, one of the issues that
9 we've faced this year is in trying to push out or issue our
10 second semiannual report for calendar year 2020, and I
11 decided -- I had made the decision that we would issue an
12 update on the Comprehensive Amnesty Program along with that
13 report, and that just took longer to put together than I had
14 anticipated, and so rather than issuing an interim report or
15 providing some other means to sort of update as to what had
16 gone on, to provide some update as to the work of the parties
17 or the -- the City, in particular, during this year, we held
18 back the report while we tried to sort of piece together the
19 Comprehensive Amnesty Program. And, certainly, as part of
20 some of the feedback that we've gotten, some of the helpful
21 feedback, you know, we'd look to -- we don't anticipate
22 another kind of delay as to what happened this year, but
23 certainly, we would look to ways to update the community as to
24 these delays, some other mechanism beyond sort of coming to
25 these court hearings and saying that it was delayed. We will

1 find some other way to get that out because we know that it is
2 important for people to be updated on the status of these
3 things, but the semiannual report has now been given to the
4 parties who would have -- I think it's 15 days under the
5 Consent Decree to look through it, to get us back any helpful
6 feedback that they might have, and then we would issue that
7 report after the parties complete their review. So we sent
8 that to them this morning so that we would be able to say to
9 you at the court hearing today that we had sent the report to
10 the -- to the parties, and so we have done that, and we look
11 forward to hearing from them.

12 The report will include the work plan for year five,
13 for 2021, and so this is much like last year at this time.
14 The work plan for the year comes out -- it came out, I think,
15 at the end of January last year, so we anticipate that that
16 will be about the same this year. Just, you know, as
17 Ms. Glass mentioned, some of the issues or areas of priority
18 for year five will be training, the training plan. We're
19 happy to hear Ms. Barton again reiterate that the City has
20 some help from two folks from the academic spaces in the
21 St. Louis/Ferguson area, and so we hope that they'll be
22 helpful in the development of the robust training plan that's
23 needed under the Consent Decree, something beyond the roll
24 call training, as Ms. Glass mentioned. We, again, sort of --
25 you know, our call for the City to engage someone for that

1 task specifically, as they did for the consent decree
2 coordinator position, but also to have someone dedicated to
3 the training function who has skills in that area. We, you
4 know, again, affirm sort of our belief that that would be
5 really helpful in terms of putting together curriculum and
6 navigating or figuring out sort of where the State-required
7 POST certification trainings and the Consent Decree trainings
8 overlap and identifying gaps and figuring out how to address
9 those. Excuse me. So we hope that the City will consider
10 that still or if the academic support that they've gotten from
11 the area colleges are not able to fulfill that, that they look
12 to hiring out either on an interim basis or for a long term.

13 The other areas that we would be looking to in year
14 five would be auditing. As Ms. Glass mentioned and
15 Ms. Barton, the City did respond to the Monitoring Team's
16 response for records for the use-of-force audit, and so now
17 the -- the Monitoring Team, Bob Stewart and I, will look
18 through the City's response and determine what level of
19 records we need in order to conduct a fulsome audit of
20 use-of-force reporting. The -- rather than wait for Benchmark
21 and the other data related, which will certainly make auditing
22 easier, we decided to move forward with the use-of-force audit
23 even before the use-of-force report was generated
24 electronically through Benchmark because the policies in that
25 area were far enough along that we felt that it was time to

1 start auditing in that area, and so we will be doing it the
2 old-fashioned way with paper. Mr. Stewart will schedule a
3 site visit to the City to conduct a review of reports that
4 we've identified that fall within the audit reports. So our
5 body-worn camera footage or whatever it is that's needed to
6 assess compliance with the use-of-force provisions and the
7 use-of-force reporting provisions.

8 And lastly, Your Honor, just with regards to the
9 municipal court and the Comprehensive Amnesty Program, as the
10 semiannual report will -- will detail in a little bit more, a
11 little bit more at length, the Comprehensive Amnesty Program
12 is just about completed. The City is at or near complete
13 implementation with the exception of two provisions of the
14 good-cause criteria, good-cause criteria number three and
15 good-cause criteria number five.

16 And so good-cause criteria number three deals with
17 license suspension and cases kept open if the defendant has an
18 open "operating after suspension" charge and if that charge
19 did not, essentially, stem from the defendant having failed to
20 appear at another court hearing or failed to pay a fine at
21 another court hearing. And so there are about 800 cases that
22 remain open under good-cause criteria number three, and so
23 within this year, the Monitoring Team will be working with the
24 parties and with the Court to try to determine how the -- the
25 city prosecutor and how the City determine that the cases left

1 open did not fall, were not generated from a defendant having
2 failed to appear or the defendant having failed to pay a fine,
3 and so as soon as we have some sort of comfort that the cases
4 that were left open under this criteria were assessed or
5 evaluated to make sure that they actually fall within that
6 criteria, then we'll be able to sign off on compliance with
7 good-cause criteria number three.

8 The remaining criteria, good-cause criteria number
9 five, deals -- is the sort of catchall provision that permits
10 a case to be kept open in the interests of justice, and as we
11 noted in -- in our report, I think, in 2019, in looking at the
12 eight or so cases that were kept open under good-cause
13 criteria number five, I think about six of them deal with yard
14 maintenance and sort of those kinds of things, and so we'll be
15 working with the City to try to delve a little bit deeper as
16 to whether or not, you know, a six- or seven-year-old failure
17 to maintain your yard or whatever it is falls within sort of
18 in the interests of justice needs to be kept open under
19 good-cause criteria number five.

20 And, oh, one other point just on auditing, Your
21 Honor. In year -- in this year, the next area of our focus
22 would be the accountability provisions even though, you know,
23 once again, Benchmark may not be -- the module for that may
24 not be at completion, but we would be working with the City
25 and with the parties to start auditing in that area as well.

1 And I think that's it.

2 THE COURT: All right. Thank you.

3 Mr. Carey, can you discuss in a little more detail
4 the issue of training and the comprehensive training plan and
5 where the City stands on that? I know the citizens are very
6 interested in what's going on. I know the roll call training
7 has been, you know, successfully done on many of the policies,
8 but we need to, you know, add the rest, and so I -- and this
9 was raised, I think, in one of the citizen letters, and so I
10 think that's one thing I'd like to hear you comment on a
11 little more.

12 MR. CAREY: Your Honor, yes. I think it'd probably
13 be appropriate for Chief Armstrong to give a little more
14 detail to you on where we are with that aspect of the
15 training.

16 CHIEF JASON ARMSTRONG: Yes. Thank you, Your Honor.

17 So as was mentioned earlier, there are really two
18 components when we talk about training. We have the roll call
19 trainings, which, as Ms. Glass explained, that's nothing more
20 than just a review of a policy, and so that is not an
21 extensive, in-depth training class, and so what the Consent
22 Decree calls for is for us to have pretty much an extensive
23 in-service training platform, a program that we want to make
24 sure that our officers are getting the training that they need
25 and also the training that is required as to the Consent

1 Decree. And so the Consent Decree, you know, spells out what
2 those trainings should look like and what they should include,
3 and as we try to develop those, you know, we have to send them
4 to the DOJ for their approval and so on of what that looks
5 like, and we're a small department. We're a small department.
6 We are understaffed, and we do not have a training
7 coordinator. We do not have a dedicated training professional
8 on this police department, and so we have people that have
9 other duties and other responsibilities that also try to work
10 on this training in addition to the other duties that they are
11 fulfilling.

12 And so one of the things that we tried last year --
13 we, you know, had pretty much worked through the bulk of our
14 use-of-force policies, and we took a stab at trying to create
15 our own in-service, use-of-force training, and so the process
16 that we utilized in doing so is we communicated with some
17 other cities across the nation that are under consent decrees
18 that already have DOJ-approved use-of-force training programs
19 and training classes that they are implementing, that they're
20 working off of, and so we got some examples, you know, from
21 some other cities, and so we took that, and we compiled it to
22 try to create our own use-of-force training that would meet
23 the standard of our in-service training, the standard demanded
24 under the Consent Decree. And so we put that training class
25 together and sent it to the DOJ to see what they thought about

1 it, and -- and that training and the feedback that we got from
2 the DOJ is that we were nowhere near what their expectation
3 was for what they would want to see in that training class and
4 how they would want to see that training provided, and -- and
5 it took us an enormous amount of time to do that work and to
6 put that together, and when we got it to them, you know, the
7 response was, "No, this is not what we're looking for."

8 And so that really laid the foundation for, okay, you
9 know, we -- as we are currently set up and as we are currently
10 staffed, you know, we don't have that professional with that
11 background that has took the time to dedicate to creating
12 these trainings that -- that would -- that would commute the
13 standards and the requirements under the Consent Decree, and
14 so after that, we kind of went back to the drawing board, and
15 we had some additional conversations, you know, with the
16 Department of Justice, and so I think, you know, they sent us
17 some recommendations, and I think that's how we got to some of
18 the professors here in the St. Louis area, for us to try to
19 talk with them and see what other kind of additional help or
20 resources we could get in that area because typically and what
21 every other city or what every other police department in the
22 state of Missouri works off of is Missouri Peace Officer
23 Standards and Training Council, so Missouri POST. And so --
24 you know, so Missouri POST mandates that every police officer
25 in the state of Missouri has to get a minimum 24 training

1 hours each year, and they dictate, you know, some of those
2 training hours have to be in specific areas, and then the
3 other hours can just be in electives, you know, for the
4 officers, and so we have -- you know, regionally, we've had --
5 so, locally, we have the St. Louis County Academy that they
6 put on training classes that all of their training classes are
7 Missouri POST-approved, and so an officer goes to that
8 training class, and then they get their POST credit that goes
9 towards their mandated 24 hours so they're able to maintain
10 their law officer certification.

11 And so when we first started working on our training
12 program, that was largely what we looked at, to see what
13 classes were provided at the St. Louis County Academy and see
14 how that matched up with, you know, the requirements of the
15 Consent Decree. The problem that we ran into or the problem
16 that that presents to us is -- I can't say every last one of
17 them, but for the most part, what we've looked at with the
18 training that was offered and provided that meets the State of
19 Missouri's level and authorized mandates for training does not
20 meet the Department of Justice standards of training, and so
21 those training classes where we could go there and we could --
22 we could -- you know, we could get the training and then just
23 authorize -- it's approved training through the State of
24 Missouri, but it doesn't meet the Department of Justice
25 requirements and demands for how the training is to be taught

1 and what -- you know, what all the components, you know, have
2 to go into it and everything that has to be provided to the
3 Department of Justice for them to sign off that we've met our
4 Consent Decree requirements.

5 And so, you know, like I said, we're a small
6 department, so we don't have our own training academy, we
7 don't have our own training division, you know, to create all
8 of those things, and so it's really us trying to figure out
9 how do we get this done and -- and what additional resources
10 can we get at our disposal to assist us in getting this done
11 really is what the challenge is before us because there are
12 plenty of training classes out there, but like I said, there
13 is just different levels of requirements and standards, I
14 would say, as far as what, you know, every other police
15 department and every officer is authorized to get compared to
16 what Ferguson has to get. And so really, we're just -- you
17 know, it doesn't exist in this area, and we're having to
18 create it or find ways to create it.

19 And so with the bias-free policing program, you know,
20 we were able to contact another agency that has gone through
21 the DOJ process and has an approved training, and they're
22 coming here to put it on for us, but, you know, that takes a
23 lot of heavy lifting, and so, you know, that's not something
24 that we could do every month -- have a different agency come
25 into town just to put on this training. So it's -- you know,

1 it's a lengthy process in us trying to get there, and so, you
2 know, we are trying to get some more help and some more
3 assistance and resources on the training front to where we
4 could create, you know, more of that content ourselves and get
5 it approved by the DOJ where we have more flexibility on how
6 it gets presented because, you know, part of the challenge for
7 me is, you know, we could have somebody come, but now, you
8 know, I have to be able to send officers, you know, to the
9 training class. So now I'm taking officers off the road, you
10 know, that need to be out there responding to things. So now
11 we're talking about scheduling: How many officers do I have
12 on this team? How many officers on that team? So there's a
13 lot that goes into this. Because of our staffing level right
14 now, you know, that makes it, you know, a challenge for us,
15 and that's why it's difficult for us to be able to use an
16 outside entity like St. Louis County Police Academy. You
17 know, even if they had a class that met the Department of
18 Justice standards, those classes may be put on four or five
19 times a year at most. That's not enough for me to get all of
20 my officers into that training, for all Ferguson officers to
21 attend that training in a year because if it's only offered
22 five times, I don't have enough people to be able to send
23 enough people to the training class each time that it's
24 offered. So those are some of the challenges, you know, that
25 are presented to us, and we're looking at it to try and find a

1 way to work through those to make sure that we're meeting the
2 requirements of the Consent Decree.

3 THE COURT: Well, and as you indicated, the work that
4 you're doing with the New York -- Suffolk County, New York, on
5 bias-free policing training is a good model, but there are
6 other ways to do this. Am I correct in understanding that the
7 two professors that Mr. Carey mentioned are people who are
8 going to assist you in at least figuring out a little more on
9 how you might be able to do this? Is that correct? Is that
10 what part of what you -- what they're working on?

11 MS. NICOLLE BARTON: Hi, Your Honor. It's Nicolle.
12 So the two professors that we've recruited actually have
13 joined our Training Plan Committee, and I just want to
14 piggyback off of what Chief Armstrong said, you know, that we
15 don't have our own police academy. When I got here, myself,
16 Assistant Chief McCall, and our Training Plan Committee did a
17 thorough review of what St. Louis County Police Academy does
18 offer, and we took a look at -- we set it side by side with
19 our Consent Decree, and we realized really quick though
20 St. Louis County Police Academy does offer trainings in lots
21 of areas, that they only touch on areas. They may touch on
22 certain policing. They may touch on problem-solving policing;
23 they may touch on bias-free policing, but it's not really a
24 robust training with the requirements that we would need to
25 have, and so we realized really quickly -- when we looked at

1 that, we did a thorough gap analysis of what St. Louis County
2 has and can offer us and what we need to have in-house, and we
3 realized that we did need to look outside of that to help us
4 create or to help us find departments that had really good,
5 robust, in-service training that we could work with them on,
6 and that's how we ended up working with Suffolk County, New
7 York, for our bias-free policing training.

8 So, you know, and as Chief Armstrong stated, we're
9 very short-staffed and we just don't have, you know, the
10 manpower to dedicate someone to do that, and our two
11 professors that we've added to the Training Plan Committee --
12 we haven't had an outside discussion on if they can help us or
13 consult with us as far as our overall training. They're
14 offering their insight and their expertise on our training
15 plan and looking at, you know, our -- our PowerPoint
16 presentations and helping offer assistance in that area. So
17 we really still need a dedicated person that can help us with
18 the development of training overall.

19 THE COURT: All right. Ms. Glass, do you have any
20 comments on the City's efforts in this regard and where we
21 think we're headed next?

22 MS. GLASS: Thank you, Your Honor. I just wanted to
23 be clear on one point in Chief Armstrong's comments relating
24 to the use of County courses. DOJ has no objection to
25 Ferguson using -- making use of the -- at least in part of the

1 community or -- excuse me -- of County resources for classes
2 and having that be part of its training plan. In a lot of
3 ways, that makes a lot of sense to not create everything from
4 scratch. We've never been given a set of lesson plans or
5 details about a County course and assessed it and said it
6 doesn't pass muster. So my understanding was that the City
7 was turning more to creating its own resources more because of
8 staffing issues and its own needs, but in the event that, at
9 any point, the City decides that it wants to use the County
10 courses it has available, we're certainly open to reviewing
11 those materials and seeing if they would meet the Consent
12 Decree requirements both in method of presenting
13 information -- so best practices for adult learning and that
14 kind of thing -- and also for the content that's required by
15 the Consent Decree, and we do intend to continue discussions
16 with the City about the resources needed to actually build a
17 sustainable training program.

18 THE COURT: Yeah, and as I understand what Ms. Barton
19 is saying, that the City did do the kind of gap analysis or
20 whatever analysis of what the County offers and does see that
21 there are -- that the offerings may lack the specificity in
22 certain areas that are needed, but what you're saying is the
23 training offered by the County academy may provide a basis or
24 at least a ground-level training that would be appropriate but
25 they'd need more, and so I hope you all will continue to

1 discuss this with one another because it is a crucial area,
2 and we've -- you know, we've talked about it a lot, and I know
3 everybody wants to get it done. The City's lack of resources
4 is always a continuing problem.

5 Ms. Tidwell, do you have anything to add on this
6 training issue?

7 MS. TIDWELL: I would just say, Your Honor, you know,
8 I agree with Ms. Glass that having the -- conducting a gap
9 analysis or at least sort of getting the City to start the
10 trainings with what the County provides and then looking to
11 what's -- you know, what's leftover and maybe thinking of a
12 way to develop that separately, it could be -- you know, it
13 could be as simple as, you know, a couple of provisions of the
14 Consent Decree that aren't covered or a couple of areas that
15 the police department may internally be able to put together
16 itself or to -- to develop on its own, but we won't know until
17 we sort of get it in front of us and we take a look. And so,
18 hopefully, the resources that they've brought on board, that
19 they've recruited will help them to sort of look at it with
20 that kind of critical eye to see maybe it could be developed
21 internally, whatever the gaps are. Certainly, having Suffolk
22 County come in and do this "Train the Trainer," even though
23 it's specifically for bias-free policing, may help the City to
24 identify its own internal capacity for providing training, and
25 maybe some of these folks who are doing the "Train the

1 Trainer" can be people who can train in other areas or sort of
2 provide that bridge between what the County provides and
3 what's required under the Consent Decree. So I'm hopeful
4 that, you know, if everybody rolls up their sleeves, that we
5 can get there, but it's just -- you know, it's just a matter
6 of we just have to see it, and then we can assess and sort of
7 move on from there.

8 THE COURT: Right. And so I would encourage the City
9 to follow through with that and provide that information. I
10 mean I think you all can have some discussions with the
11 Training Committee as well as the department or however the
12 City chooses to approach it, but getting, you know, the basic
13 concept that you've all discussed before of taking -- if there
14 is -- you know, if some basic stuff is available from the
15 County or otherwise, doing that, but then as Ms. Tidwell says,
16 having -- figuring out what you can add onto it to bring it up
17 to the level you need, and, perhaps -- I know you've done a
18 lot of work, Ms. Barton -- and the City -- on getting the
19 Suffolk County people in to do this "Train the Trainer," and
20 that may be a good model for you to see how they do it, and it
21 also may identify which of your own trainers may have real
22 interest, you know, your internal people who are doing some of
23 the training for the department, in addition to their other
24 duties. It may identify people who maybe really can take on a
25 higher role in that and devote more resources and more time to

1 it. So I would just encourage everyone to keep working on it.
2 I know, you know, it's another one of those things we wish
3 could go faster, but just keep working and let's see if, at
4 the next report, we can have -- you know, hear a little more
5 about this.

6 Are there any other areas, Ms. Tidwell or Ms. Glass,
7 that you think I should ask the City about, or is there
8 anything else the City wants to say? I think you all have
9 covered most of the areas that I thought you were going to
10 cover today, and your remarks have dealt with some of the
11 things that were raised in the comments from the public that
12 were sent in, and I appreciate the public remaining interested
13 in this. I know there are some -- there are a number of
14 issues that the parties are continuing to work on, obviously,
15 and so I look forward to getting the Monitor's report and then
16 also seeing how the survey goes as well as the other things
17 you've mentioned here today.

18 Ms. Glass, from the department's perspective, do you
19 have other points or issues you'd like to raise or comment on?

20 MS. GLASS: Thank you, Your Honor. The one
21 additional thing -- with the Court's permission, I just wanted
22 to provide our community email address since I did invite
23 members of the community to share any information, in
24 particular -- well, on any topic but, in particular, relating
25 to the police action in regard to the summer protests. So if

1 that's all right --

2 THE COURT: Yes, please.

3 MS. GLASS: Thank you. It's

4 community.ferguson@usdoj.gov. That's

5 community.ferguson@usdoj.gov. Thank you, Your Honor.

6 THE COURT: All right. And, Ms. Tidwell, I know

7 you've advertised it, but can you also provide the address for

8 where people can send you comments if they wish to do that? I

9 know it's up on the websites.

10 MS. TIDWELL: Yeah. I'm going to ask Ms. Caruso to

11 do that, and then she can probably also give the address for

12 the community survey because I know that I cannot do that

13 because I'll mess it up. So I'm going to turn it over to her.

14 MS. CARUSO: Sure. So the easy one is our email

15 address, which is fergusonmonitor@hoganlovells.com, and that's

16 hoganlovells.com, and then the URL, which is a little bit

17 trickier, so we will, of course, follow up with an email, is

18 <https://tinyurl.com/fergusoncommunitysurvey>. That one's a

19 little lengthier, so we'll send that out via email if anyone

20 has questions, but, again, it's

21 <https://tinyurl.com/fergusoncommunitysurvey>.

22 THE COURT: All right. Here's what I'll ask all of

23 the lawyers to do for me is send to me or to my office the

24 appropriate -- these emails in writing, and I'll ask the

25 City -- and the City, I'd like to have you include also the

1 one where you want the comments, whatever it is, and I'll make
2 sure that we have those appropriately listed on the Court's
3 website as well so that if anyone goes to our court website,
4 which is under -- moed.uscourts.gov is where we are, but
5 it's -- but if you look at -- we'll put -- we'll make sure we
6 have that prominently displayed on the page for Ferguson.
7 There's a page on the website that says "Cases of
8 significance" or something of that manner, and there's one
9 that talks about -- has this, this case, and so we'll make
10 sure that we can get those prominently displayed, including
11 the URL for the survey so that that will be an additional
12 place where citizens can go to look for this information, but
13 then you all post it as well, as you've indicated, so we'll
14 try and have alternate places.

15 All right. Thank you, Ms. Glass.

16 Ms. Caruso or Ms. Tidwell, anything else from the
17 Monitor that you think you'd like to add at this time?

18 MS. TIDWELL: Excuse me. One more thing, Your Honor,
19 that I forgot to mention. The Monitoring Team has been
20 discussing with the parties -- and it was part of the public
21 comment -- a mechanism for comments that are sent to the
22 Monitoring Team in advance of these hearings, having those
23 posted somewhere so that folks can refer back to them, and so
24 we have discussed it amongst us. We anticipate that they'll
25 be put on the Monitoring Team's website. We're just trying to

1 figure out, sort of navigate sort of what the -- you know,
2 whether it's everything. We're working with the parties to
3 figure out sort of, you know, how -- the mechanism for how
4 that's going to happen, but we anticipate that it will be, you
5 know, if not all of them, close to all of the comments in
6 their entirety, but we're just finalizing getting sign-off on
7 everyone on that.

8 THE COURT: Right. And so that will be on the
9 Monitoring Team's website, and I do think that's the
10 appropriate place to put that kind of comments at this time.
11 So that is good once you can get that set up.

12 MS. TIDWELL: Okay.

13 THE COURT: Thank you for reminding me of that.

14 Mr. Carey, anything further from the City with regard
15 to anything?

16 MR. CAREY: No, Your Honor. The City, at this point,
17 rests.

18 THE COURT: All right. Well, I -- I will just say,
19 you know, to everyone, I know -- I know this -- I know I've
20 said this before, and I know it may not be much comfort to
21 citizens who are wishing we had moved faster and that
22 everything had moved faster on this, but progress is still
23 being made, and it is -- everyone is working hard. The
24 combination of the lack of resources at the City, which is a
25 problem every city and every police department has in the

1 United States, is, actually, during the pandemic, a massive
2 problem, but it's a problem that I believe that the City of
3 Ferguson is working to deal with as best they can, but the
4 lack of resources and then the issues of the things the
5 pandemic has done to slow down the progress and the inability
6 to have in-person meetings, I know, has been a frustration,
7 and we all just have to hope that we will be -- at some point,
8 be able to be in the same rooms with one another and that the
9 City can reach out to the members of the public and others
10 here can as well, but I do appreciate -- I just -- I will say
11 to the members of the public, please be patient. Don't think
12 that because it may not always be obvious, that work is not
13 being done. There is a lot of work being done.

14 And I do want the City to step up on the training
15 issue. We've heard that a lot. We want the City to keep
16 doing that, but I do also want everyone to know that we are --
17 everyone is trying to work hard, and it is just even more
18 difficult than it was before because of the pandemic, and
19 we're hoping that things will change.

20 I will schedule and I will work with the parties to
21 come up with a date for another hearing in a few months, and I
22 hope by then maybe everybody will be able to say we've all
23 gotten our vaccine. No. We'll do it before everybody gets
24 their vaccine because I'm not sure that's going to happen as
25 quickly as we'd like, but we'll do it -- you know, there will

1 be another meeting like this within the next two to three
2 months, probably late March, early April, or somewhere in that
3 range, and maybe end of April. I'm not sure. I'll talk to
4 the parties, but we will do that again.

5 And so I appreciate everyone participating here
6 today, and this concludes this hearing session, and court is
7 in recess. Thank you, all.

8 (Proceedings concluded at 12:13 p.m.)

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CERTIFICATE

I, Gayle D. Madden, Registered Diplomate Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 50 inclusive.

Dated at St. Louis, Missouri, this 5th day of February, 2021.

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter